



NATIVE AMERICAN HERITAGE COMMISSION



STRATEGIC PLAN



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State of California

Executive Summary

This strategic plan has been developed to focus the growth of the Native American Heritage Commission to assist the public, the development community, local and federal agencies, educational institutions and California Native Americans to better understand problems relating to the protection and preservation of cultural resources. It is hoped that this document will serve as a tool to resolve these problems and create an awareness among lead agencies and developers of the importance of working with the people that are directly affected by their actions.

This strategic plan contains ten components. The mission statement, principles, vision, description, assessment summary, goals, objectives and performance measures are the key elements to this plan. The first three elements identify the reason the Commission was created and the philosophy and values on which the Commission basis its operation.

The program description is an important element because it describes the operations of the office. The assessment summary will provide the reader a clear understanding of the restrictions which the office encounters and be pleased with the success that has been achieved in spite of the adversities.

The identified goals and objectives go beyond the duties and responsibilities identified in the Public Resources Code §5097.9 et.al. The accomplishment of these goals will be a major step in achieving the vision as outlined in this plan.

The final important element is the performance measure. This tool evaluates the activities and efforts made in achieving the goals and objectives. This plan is the Commission's hope for the future.

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Mission Statement

The Mission of the Native American Heritage Commission is to provide protection to Native American burials from vandalism and inadvert destruction, provide a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, bring legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and places of worship on public property, and maintain an inventory of sacred places.

Principles

The Commission will exercise the following principles in an effort to be responsive to its internal and external communities:

1. The Commission must be sensitive to all California Native Americans.
2. The Commission will facilitate a cooperative working relationship with developers, private land owners, local agencies, and the California Native American population.
3. The Commission will administer the thorough and complete application of the Public Resources Code §5097.9 et. al. and the Health and Safety Code §7050.5.
4. The Commission will not express its opinion regarding recommendations for the treatment and disposition of Native American human remains and associated grave goods.
5. The Commission will not become involved in tribal politics.
6. The Commission will treat all Native American groups, tribes, and individuals with respect and dignity.
7. The Commission will conduct State business in a professional and sensitive manner.

Vision

California Native American cultural resources, habitation sites, burial sites, sacred sites, ceremonial sites, and places of worship are limited resources for Indian and non-Indian people. They are important to the culture and spiritual beliefs of California Native Americans. Therefore, they must be protected in a sensitive manner that involves local Native American people. An effective protection program will benefit all citizens of California.

Developers, private property owners, lead agencies, and law enforcement agencies will become aware of the importance of cultural resources to all the citizens of California. Additional State legislation and local ordinances will be enacted to more effectively protect cultural resources.

Tribal governments, Indian organizations, and most likely descendants will become knowledgeable of effective mitigation measures, treatment and disposition of Native American human remains and associated grave goods, protection of sacred places, and state and federal laws. All Native Americans will be permitted access to burials, sacred sites, ceremonial places, and places of worship on public and private property. A cooperative working relationship among California Native Americans, developers, private property owners, and lead agencies will be established. This is a vision that all Californians will come together to protect and preserve this valuable State heritage.

Description

The Native American Heritage Commission was established in 1976. It was created because California Native Americans were demanding protection of their burial grounds from vandalism, destruction and scientific research. Many human remains were left baking in the sun by workers, as large burial mounds were uncovered during construction for housing and roads. These remains were simply ignored by the workers or collected by archaeologists and amateur archaeologists.

Thus, the Commission was created by the Legislature and approved by the Administration in an effort to rectify some of these ills. Under this program, California's most likely descendants have a voice in determining the treatment and disposition of Native American human remains. The right of most likely descendants to control analysis of Native American remains was affirmed by the State Appellant Court in a decision known as the "Van Horn Case".

In addition to the insensitive wholesale destruction of burial sites, archaeologists were collecting Native American human remains at an alarming rate. Remains were being warehoused at locations across California for future research projects. In many instances, curators and researchers had no idea how many remains they had nor any province regarding the remains. The taking of these remains was a continuation of the behavior toward Native Americans between 1850 and 1900.

During the period between 1850 to 1900, 90% of the California Indian population perished from disease, starvation, poisoning, or gun shot wound, but now people were collecting the human remains without any care, worry or concern for what the Native people were feeling or the religious beliefs of these people. All of this was legal; therefore, impossible for Native Americans to stop until appropriate legislation was passed.

It has become imperative for the Commission to act as liaison in disseminating and interpreting laws, rules and procedures affecting the large number of federally recognized tribes, tribal groups applying for federal recognition, California Native American organizations, and individuals concerned with the protection and involvement of Native American cultural resources and human remains. The Commission is an essential hub for information flow. Many lead agencies and developers are unaware of tribal concerns and who to contact to solicit information regarding impacts to cultural resources. Too often,

developers are unaware of their responsibilities as defined in the Health and Safety Code and Public Resources Code that apply to cultural resources and the discovery of Native American human remains. One of our prime duties continues to be the education of these people. There have been several occasions in which the coroners offices were not aware of the law. There has been some instances in which we have met resistance from various coroners as to their responsibility as defined in the Health and Safety Code.

Our involvement has not been limited to working with developers and lead agencies. The Commission works closely with museums, community colleges, state universities, private universities, and the University of California campuses. Our involvement often deals with the Native American Graves Protection and Repatriation Act of 1990. Under this law, museums, universities, and state agencies that receive federal funds must complete inventory and summary reports of human remains, funerary objects, objects of cultural patrimony, and sacred objects and must identify the culturally affiliated tribal groups. These agencies rely upon the Commission as a prime resource for assistance in identifying and locating possible culturally affiliated tribal groups.

The Native American Heritage Commission works cooperatively on an ongoing basis with the Departments of Transportation, Parks and Recreation, Forestry and Fire Protection, Water Resources, Fish and Game, and California Arts Council.

During the construction of the highway system in California, many Native American burials were unearthed. Today, during repairs, replacement, or new construction, the Department of Transportation continues to encounter Native American human remains, associated burial goods, and impacts cultural resources. The office has assisted the Department of Transportation to develop an operations manual for use of their employees regarding the discovery and protection of human remains and working with local tribes.

The Department of Parks and Recreation owns or manages many acres of land. Many of these parks contain cultural resources and sacred/religious sites. The office is consulted by the department when interpretive centers are being developed. The office works closely to assure that tribal groups are included in the planning so cooperative working relationships are developed that will lead to accurate information regarding the local Native Americans customs and traditions.

The Department of Forestry and Fire Protection approves timber harvest plans on private land. Many of the private lands contain cultural resources and Native American burial sites. The Commission continues working with this department to develop timber harvest plans that contain regulations to avoid the destruction of sites and to protect burials. Efforts have been made to include Native Americans on the timber harvest review teams.

At the request of local Indian people, this office has worked with the Department of Fish and Game to remove the limitations for the collection of seaweed. Native Americans use this not only for consumption, but in some instances it is used in ceremonies. The Department has removed its restrictions on weight limitations and no impact to the seaweed environment has resulted.

At the federal level, this office deals with the Bureau of Land Management, Forest Service, National Park Service, Bureau of Indian Affairs, Federal Highways Administration and Army Corps of Engineers.

Occasionally, developers encounter Native American human remains and associated grave goods during the development of a construction project. The number of human remains can range in the hundreds. The number of associated grave goods can be in the thousands. Discoveries of this nature require extreme sensitive treatment. Many times disagreements between the most likely descendent and the developer arise. This office works with both parties in an effort to resolve problems and identify a course of action that is acceptable to everyone. Usually, the developer is concerned with added cost and the projects public image. The most likely descendent is concerned with unwarranted removal of burials and would like the project to be stopped or redesigned.

Daily workload of the office includes review of environmental impact reports for projects on federal land and under state jurisdiction, negative declarations, mitigated negative declarations and timber harvest plans. The cultural resource section of each report is reviewed for adequate mitigation and verification if appropriate local tribal groups have been contacted regarding the project. Reports are also checked against our sacred lands file.

The office must also be responsible to the nine member Commission who convene in session to hear and act upon additional concerns that tribal groups and individuals present. The nine commissioners represent different tribal groups, different perceptions and beliefs; therefore, are able to be responsive to concerns brought before them.

Internal/External Assessment

Strengths

- Established working relationship with coroners, developers, planners, property owners, and archaeologists regarding discovery of Native American human remains and associated grave goods.
- Provide Native American Contact List to environmental firms, planners, and developers to enable consultation with Native American individuals, groups, and tribal governments regarding cultural resources in project areas.
- Check Sacred Land File at request of environmental firms, planners, and developers to verify recordation of site information for specific projects.
- Identify Most Likely Descendants pursuant to Public Resources Code §5097.98 (a), upon the discovery of human remains.
- Provide information regarding repatriation.

Weaknesses

- Lack of Funds.
 1. Reduction in staff - from 5 to 3.
 2. Ability to travel to sites to assist in mediation of sites with developers, planning departments, and Native Americans.
 3. Need for services of an archaeologist to assist in analyzing environmental documents and to conduct site inspections.
 4. Flexibility to call emergency commission meetings.
- One office in Sacramento which must serve the entire state.
 1. Ability to disseminate information to Native Americans and hear concerns.
 2. Not accessible to all Native Americans.
 3. Not accessible to all developers and lead agencies.
- Ability to hire outside legal counsel when implementing Public Resources Code § 5097.97.
 1. Attorney General staff cannot legally represent Native American Heritage Commission in cases involving public property and other state agencies.

Goals, Objectives, and Performance Measures

Goal:

Promote adoption of protective measures by city/county agencies to protect cultural resources.

Objective:

Meet and confer with planning departments and other interested parties to assist in the development of local ordinances.

Performance Measure:

Meet and confer with 3 counties a year.

Goal:

Training for law enforcement agencies, public agencies, archaeologists, and Native Americans.

Objective:

1. Implementation of appropriate laws and enforcement responsibilities - Individuals and agencies impacted by the discovery of Native American human remains.
2. Sacred Lands File - Review and update information;
Notify property owners who have listed sites on their property;
Consult with Native Americans regarding the addition of sites to the Sacred Lands File.

Performance Measure:

1. Format the training program - 98/99 FY completed;
Begin training programs - 2 training sessions a year.
 2. Review and update information - 98/99 FY completed;
Notify property owners - 99/2000 FY completed;
Consult with Native Americans - Meet with 10 tribal governments/tribal organizations a year beginning 2000/2001 FY.
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Goal:

Training for Native American Heritage Commission staff as it relates to protection of cultural resources.

Objective:

1. Environmental laws - State and Federal legislative changes and court decisions.
2. Cultural resources - Archaeological field work;
Ethnohistory library.

Performance Measure:

1. Staff attends 2 classes per year.
2. Staff attends training in the field once a year;
Ethnohistory library completed 2001/2002 FY.

Goal:

Determine the Most Likely Descendants.

Objective:

1. Request documentation to assist the Commission in the determination of the Most Likely Descendant.
2. Compile and interpret documentation from Most Likely Descendants for input to database.

Performance Measure:

1. Documentation from individuals - 97/98 FY completed;
Documentation from groups - 98/99 FY completed.
 2. Begin 97/98 FY - 2001/2002 FY completed.
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Goal:

Develop a means of disseminating information and provide a forum to address concerns.

Objective:

1. Commission meetings - Increase regional meetings.
2. Newsletter - Semi-annual publication.
3. Internet - Homepage.
4. Information publication - Professional Guide; Native American Heritage Commission Information Guide.

Performance Measure:

1. Increase one Commission meeting every year until we have reached a total of 7 Commission meetings a year - 3 regional; 4 Sacramento
Begin 97/98 FY - 99/2000 FY completed.
2. 99/2000 FY completed.
3. 97/98 FY completed.
4. Update publications by March of each year.

Resource Assumptions

1997-98 FY:

Native American Heritage Commission will accomplish goals, objectives and performance targets within its existing budget.

1998-99 FY:

Native American Heritage Commission will request additional funding to meet a portion of its goals, objectives and performance targets for:

1. Development of training curriculum for law enforcement agencies, public agencies, and archaeologists.
2. Most Likely Descendants - Interpret data regarding descendency.

1999-2000 FY:

Native American Heritage Commission will request additional funding to meet a portion of its goals, objectives, and performance targets for:

1. Training programs begin for law enforcement agencies, public agencies, and archaeologists.
2. Develop and publish newsletter;
Update technical brochures to reflect relevant changes in laws.

Financial and Full-time Equivalent Position Information

Funding History: General Fund

	1995- 96 FY	1996- 97 FY	1997-98 FY
Actual Expenses	232,597		
\$ Estimate		307,000	
\$ Funding			
\$ Request			307,000
Personnel Years	3	4	4

